

MEMBERS PRESENT

Peg Birney
Brian Callahan
Thomas J. Knips, Chairman
Robert LaColla
Robert J. Rahemba
David Stenger

MEMBERS ABSENT

Tom Chang, Alternate
Sheila Lahey, Vice Chair
Joel Sasser, Alternate

OTHER PRESENT

John V. Andrews, Jr., P.E., Town Engineer
John A. Morabito, Town Planning Consultant
Scott L. Volkman, Esq., Town Planning Board Attorney
Joseph Tacchino
Eugene D. Ninnie, P.E.
Enrico Scarda
Marshall Winston
Michael Gillespie
Jay Levine
Laurie Ann Montross
Jennifer L. VanTuyl, Esq.
Robert Weir
Jason Morris

The meeting was called to order by Thomas J. Knips, Chairman at 7:00 p.m.

JULY 27, 2006 PLANNING BOARD MEETING MINUTES

Mr. Knips stated the Chair will entertain a motion to adopt the July 13, 2006 Planning Board Meeting Minutes as amended. So moved by Mr. Stenger. Seconded by Mr. Rahemba. Motion carried.

DISCUSSION**VAN WYCK MEWS - SITE DEVELOPMENT PLAN**

Mr. Tacchino stated he is the Senior Land Development Manager for Toll Bros., Inc. Mr. Tacchino stated his is before the Board this evening to request permission to obtain a clearing and grading permit for the Van Wyck Mews and Regency at Fishkill projects prior to the Board issuing a Resolution of Final Approval for Site Development Plans.

Mr. Tacchino stated that they would like to clear Phase 1 which is indicated on Drawing No. EOP-1. Mr. Tacchino stated following the clearing they would like to clear and grade to a design grade, the section of the Van Wyck Mews project as indicated on Drawing No. EOP-1. Mr. Tacchino stated the Van Wyck Mews site currently has a surplus of material which is approximately 120,000 to 130,000 cubic yards and the Regency at Fishkill site currently has a deficiency of approximately 120,000 cubic yard. Mr. Tacchino stated it was always Toll Bros. intent to satisfy the deficit at the Regency at Fishkill site with the surplus from Van Wyck Mews site.

FINAL

DISCUSSION
VAN WYCK MEWS - SITE DEVELOPMENT PLAN

Mr. Andrews stated the Regency at Fishkill's site has had permission to fill since the days it was originally approved. Mr. Andrews stated the Regency piece in terms of filling would be beneficial and more controllable by the Town. Mr. Andrews stated in terms of Van Wyck Mews, the Town Code does not address this and it has been the custom and practice of this Board to issue clearing and grading permission after the Board has granted a final approval. Mr. Andrews stated he does not have an objection to this Board granting permission to obtain a clearing and grading permit as he would like to see the site stabilized prior to the winter season.

Mr. Stenger asked the status of the Regency at Fishkill project. Mr. Andrews stated the applicant has made a submittal and is requesting final approval for the August 24, 2005 Planning Board meeting.

Mrs. Birney asked how many trucks per day there will be. Mr. Tacchino stated there will be between (6) and seven (7) trucks per hour, approximately 100 trucks per day. Mrs. Birney stated the traffic is quite heavy before school. Mrs. Birney asked if any consideration has to be given to the fact that the road belongs to Wal-Mart. Mr. Andrews stated actually the Regency at Fishkill owns that part of the road and the maintenance business association maintains the road. Mrs. Birney asked if the truck trips could be done early in the day. Mr. Tacchino stated the trucks operate from 8:00 a.m. to 3:00 p.m.

Mr. Knips asked if this commenced today how long will it take to complete. Mr. Tacchino stated approximately two (2) weeks.

Mr. Stenger asked if any of the plans include sweeping or dust control. Mr. Andrews stated that is part of their plans. Mr. Tacchino stated that they are going to take the first 10,000 yards of material and box in the property at the Regency at Fishkill. Mr. Stenger asked if there will be no more than 5 acres of disturbance at a time. Mr. Andrews and Mr. Tacchino stated that is correct. Mr. Stenger stated there will be no trucks after 4 p.m. each day or working on weekends. Mr. Tacchino stated that is correct and that the NOI will be in place and compliance will be expected.

Mr. Knips asked if the rock will be processed. Mr. Tacchino stated that the rock will be blasted and will not be processed.

Mr. Andrews suggested a letter to the Building Department granting permission for Toll Bros. to commence the clearing, filling and grading and that the letter indicate there will be no truck operating after 4 p.m. each day or working on weekends. Mr. Tacchino agreed with Mr. Andrews and stated that is correct and that the NOI will be in place and compliance will be expected. So moved by Mr. LaColla. Seconded by Mr. Callahan. Motion carried.

DISCUSSION
MANOR ESTATES - MULTI-FAMILY DEVELOPMENT

Mr. Ninnie stated he is representing Mr. Scarda, the owner and Mr. Scarda's associate Mr. Jeff Scott. Mr. Ninnie stated one (1) set of plans shows compliance with zoning regulations and the other set shows the concept they would like to go with.

FINAL

DISCUSSION
MANOR ESTATES - MULTI-FAMILY DEVELOPMENT
(CONTINUED)

Mr. Andrews stated the applicant approached the issue of the waivers and both he and Mr. Morabito suggested the two (2) sets of plans for the Board; one showing compliance with zoning and the other showing their concept and what waivers would be necessary.

Mr. Scarda stated he is from the Crest Group and showed pictures of projects that he has completed to the Board. Mr. Scarda stated they would like to cluster the units and provide as much green space as they possibility can along with landscaping, etc. Mr. Scarda stated in looking at the Yellen property that he is in the process of acquiring, he would like to maximize the green space and not disturb the wetlands as much as possible. Mr. Scarda stated he would like to get a feel from the Board on the waiver for the parking requirements.

Mr. Scarda stated according to the as of right, they would have 390 units and as a developer he would like to build 270 units in an effort to provide more of a community setting, green space and recreational space for the community. Mr. Scarda stated that he believed the parking requirements in the current code are a little strict. Mr. Scarda stated townhouses don't produce many children and they usually are occupied by two or three people. Mr. Scarda stated he would like some direction from the Board as to the cluster type development.

Mr. Knips asked if the plans are for external parking. Mr. Ninnie stated that parking is on site. Mr. Knips asked the purpose of all of the cul-de-sacs. Mr. Ninnie stated they are code compliant and the cul-de-sacs are shown with the 50' right-of-ways. Mr. Ninnie stated this is the as of right development the other plan will show what they would like to propose.

Mr. LaColla asked that the applicant show the concept they would like to use rather than the as-of-right. Mr. Knips suggested that Mr. Scarda look at the Jefferson at Merritt project in the Village of Fishkill. Mr. Knips stated that they had a large parking problem. Mr. Ninnie stated that the Jefferson at Merritt is apartments and this concept is for upscale townhouses.

Mr. Scarda stated Mr. Ninnie put in the parking in the back of the units to bring it to code but would rather preserve that as green space and put the parking along the roads. Mr. Scarda stated the townhouse owners are going to park in the driveways or the garages and he would rather see green space behind the buildings rather than parking spaces. Mr. Scarda asked what the parking was for Toll Bros. Mr. Andrews stated Toll Bros. parking is in accordance with the Town Code. Mr. Andrews stated in the Town of Fishkill only ½ of the garage is allowed to be counted for a parking space. Mr. Andrews stated under the code 2 ½ spaces per dwelling are required. Mr. Andrews stated this Board can waive some of the parking providing it can be built so there is some latitude. Mrs. Birney asked if the Board gave any waivers for parking for the Crest at Fishkill project. Mr. Andrews stated no the Board did not.

Mr. Scarda asked about waivers for setbacks between the buildings. Mr. Andrews stated the Board has not been reluctant to grant waivers for setbacks between the buildings in order to improve the design of the project.

DISCUSSION
MANOR ESTATES - MULTI-FAMILY DEVELOPMENT
(CONTINUED)

Mr. Knips asked how far the entrance to this proposed development will be from Baxtertown Road. Mr. Ninnie stated about 300'. Mr. Callahan asked what the plans are for the existing buildings on Jackson Street. Mr. Scarda stated they will be removed and the ones on Baxtertown will be improved to blend in with this proposed development.

Mr. Knips asked how much of the land can be developed. Mr. Ninnie stated approximately 20 to 25 acres of the 60 acres and they would like to take advantage of the trail that runs along the wetland. Mr. Ninnie stated the trail will be stone-dust or a gravel walkway. Mr. Andrews stated the as-of-right is based on the total acreage. Mr. LaColla asked how wide the sidewalks will be. Mr. Ninnie stated 4' wide.

Mr. Marino stated this was referred to the Rombout Fire Department for conceptual review. Mr. Marino stated they would like to see some type of emergency access off of Wheaton Avenue. Mr. Scarda stated they are willing to provide 10% affordable housing. Mr. Ninnie asked the procedure to become part of the ladder district. Mr. Marino stated a letter to the district will suffice and if these are over 2 ½ to 3 stories this will need to be part of the ladder district. Mr. Marino stated the turning radius and setbacks will need to be reviewed by the applicant to allow for fire and emergency vehicle apparatus.

Mr. Knips asked where the water would come from. Mr. Ninnie stated the water and sewer will come from the Village of Fishkill. Mr. Andrews stated the Town has had some preliminary discussions with the Village on this proposal.

Mr. Scarda asked if sidewalks along Jackson Street would be appropriate. Mr. LaColla asked Mr. Ninnie to work towards effective pedestrian sidewalks to the Village and adjacent neighborhood. Mr. Ninnie stated that retaining walls be shown on the next plan. Mr. Ninnie asked if the Board would be expecting to see sidewalks, buildings with green space in the back, etc. Mrs. Birney suggested some conceptual architectural be brought in the next time this is brought before the Board.

Mr. Andrews stated other applicants have given us a plan for parking according to code and also have shown green-banked spaces as the Board can waive some of the parking. Mr. Andrews suggested that Mr. Ninnie take a look at other projects in the Town as parking has not been an issue. Mr. Andrews stated the Board would like the sidewalks, internal access, fire department issues addressed and then the plans can come back to the Board.

Mr. Morabito asked that all the setback distances be shown on the plans when they are submitted. Mr. Ninnie stated they will do that.

Mr. LaColla asked what type of ownership will be on this. Mr. Scarda stated there will be a Homeowners Association.

PUBLIC HEARING
HOLD - SUBDIVISION

The public hearing was called to order at 7:51 pm. Mr. Knips read aloud the Notice of Public Hearing.

Mr. Gillespie stated that the applicant is seeking Preliminary Subdivision Approval to subdivide a parcel totaling 4.08 acres into three (3) lots. Mr. Gillespie stated that Lot 1 will consist of 1.28 acres and contains an existing residence, Lot 2 will consist of 1.41 acres and Lot 3 will consist of 1.39 acres. Mr. Gillespie stated that the parcel for this proposal is located at 222 Baxtertown Road in the R-40 Zoning District.

Mr. Gillespie stated this project has been before this Board and the current plans being shown this evening reflect many comments that have been received from the Board Members and the Town's consultants. Mr. Gillespie stated this seems to be the best layout for the parcel.

Mr. Gillespie stated they have made an application to DPW but are awaiting their comments and this project will have individual wells and septic.

Mr. Knips asked if there were any questions, comments or concerns regarding this proposal.

Ms. Martha Duncan stated she lives next door and asked if the stonewall will stay intact and asked that her property not be flooded.

Mr. Duncan asked how the drainage going down the hill will be controlled. Mr. Gillespie stated there will be catch basins and it will be diverted into a small drainage basin and ultimately discharged in the basin along Baxtertown Road. Mr. Duncan asked if the drainage will be on county property. Mr. Andrews stated the ultimate discharge yes. Mr. Duncan asked if this was going to be a private road and if there is consideration for fire safety. Mr. Andrews stated this shared driveway is 18' up until it splits at the top and it was looked at by the fire department and developed within the Town Code.

Mr. Gromkowski of Wellesley Place stated if the drainage is going into the wetlands he would like it clarified. Mr. Gillespie stated the drainage is going into an existing drainage ditch along Baxtertown Road. Mr. Gromkowski stated on Wellesley Place there is Forge Brook and it is flooding his property and would like to see the drainage contained on the property and not discharged into the wetlands.

Mrs. Duncan stated along Baxtertown Road after the 10' her property the soil gets quite wet and doesn't want to see it get any worse. Mr. Andrews stated the town doesn't control the county right-of-way the applicant will have to obtain a permit to the county and can't imagine that they would grant a permit that would worsen a situation, but cannot speak for the county on this.

Mr. Knips asked if there were any further questions, comments or concerns regarding this proposal.

Mr. Stenger asked if there is a water quality basin here. Mr. Gillespie stated yes.

Mr. LaColla made a motion to close the public hearing at 8:04 p.m. Seconded by Mr. Callahan. Motion carried.

FINAL

PUBLIC HEARING
HOLD - SUBDIVISION
(CONTINUED)

Mr. Andrews stated this was a preliminary public hearing so that applicant will need to address the concerns the public has brought forward this evening and the Board has the option to hold a final public hearing and they will more than likely have a final public hearing.

PUBLIC HEARING
34 SUNNYSIDE ROAD - SUBDIVISION

The public hearing was reopened at 8:05 p.m. Mr. Knips read aloud the Notice of Public Hearing.

Mr. Levine stated they are proposing a subdivision of a single lot that Scenic Hudson owns along Fishkill Ridge. Mr. Levine stated the lot has house on it that Scenic Hudson was renting out to individuals a couple of years ago but the house had some problems with the septic system. Mr. Levine stated they could have tried to fix up the house themselves but it is not Scenic Hudson forte so they are going to sell it privately.

Mr. Knips asked if there were any questions, comments or concerns regarding this proposal.

Mrs. Davidovits asked Mr. Levine to point out the lot on the drawing. Mr. Levine stated a large area at the end of the road is going to be dedicated to the Town to allow the cul-de-sac to conform to the standard. Mrs. Davidovits stated in the past when trees were cut down it caused major flooding and asked if stipulations can be made that more trees are not cut down. Mr. Levine stated one of the items Scenic Hudson planned to do is to actually put a deed restriction on the property such that the house could not be built in accordance with town laws but remain the same size. Mr. Levine stated the restrictions can potentially be done. Mr. Volkman stated such a restriction would be a private restriction between the private parties and the Town cannot enforce restricting the size of the house on the lot. Mr. Stenger asked if the conservation easement could be enforced. Mr. Volkman stated we could look into that. Mr. Levine stated Scenic Hudson itself does have a number of conservation easements.

Mr. Knips asked how much of the parcel is wooded. Mr. Levine stated that at least 3/4 of the lot is wooded. Mr. Levine stated the rest of the property is intended to remain as is. Mr. Levine that stated according to Scenic Hudson's by-laws they can only subdivide this lot because it contains an existing house.

Mr. Dennin stated there is a house on the lot that is run down quite a bit and has a septic problem and how will it be repaired. Mr. Levine stated one of the items the Board has stipulated in order for this to be approved is Scenic Hudson must obtain an approval from the Dutchess County Department of Health. Mr. Dennin asked if this would resubdivided more in two (2) years. Mr. Levine stated Scenic Hudson can't according to their own by-laws.

Mr. LaColla asked how Scenic Hudson was able to develop the hotel property in Beacon. Mr. Levine stated he believed there was a special request from the city of Beacon as they did not want another park.

PUBLIC HEARING
34 SUNNYSIDE ROAD - SUBDIVISION
(CONTINUED)

Mr. Levine stated that site really doesn't have any conservation value and he was not involved with its development.

Mr. Stenger stated he doesn't see why Scenic Hudson would subdivide this property as the house is in disrepair. Mr. Stenger stated why Scenic Hudson wouldn't just let the house go and preserve the lot green. Mr. Levine stated that was investigated but Scenic Hudson would like to sell the lot and utilize the monies for other conservation lots.

Mr. Knips asked what this house looks like. Mrs. Davidovits stated the house is quite nice from the outside. Mr. Andrews stated other than the fact that it is Boarded it doesn't look like it is in that bad of shape. Mr. Morabito stated that originally he thought that it would be best to demolish it, but the house itself on the outside is not that bad. Mrs. Davidovits stated the house definitely needs work inside. Mrs. Davidovits stated she would like to see the house is repaired and remain as is with some restrictions on the lot.

Mr. Knips asked if there were any additional questions, comments or concerns regarding this proposal.

Mr. Dennin asked if the road going to house is going to private or public. Mr. Levine stated the first part of both the roads would now be town property. Mr. Andrews stated they are a shared driveway for a portion of it and the fire department has looked at this.

Mr. LaColla made a motion to close the public hearing at 8:24 p.m. Seconded by Mrs. Birney. Motion carried.

Mr. Andrews reviewed his memorandum to the Board dated July 27, 2006. Mr. Morabito reviewed his memorandum to the Board dated July 27, 2006.

NEW SUBMITTAL
CITIZENS BANK @ THE DUTCHESS MALL - AMENDED SITE DEVELOPMENT PLAN

Ms. VanTuyl stated she is before the Board this evening representing Citizens Bank and Hudson Properties. Ms. VanTuyl stated they are before the Board this evening with the longest standing tenant of the Dutchess Mall and the most patient tenant. Ms. Van Tuyl stated the owners of the Dutchess Mall asked Citizens Bank to move to another portion of the site when the construction of Home Depot commenced. Ms. Van Tuyl stated she will now turn this over to Ms. Montross of the Chazen Companies.

Ms. Montross stated that Citizens Bank, the applicant is seeking approval to amend the existing Site Development Plan Approval for the Dutchess Mall to construct a 3,500 square foot building on a 0.55 ± acre portion of the site. Ms. Montross that that the proposed new building will be located on the northeast portion of the Dutchess Mall parcel near the main entrance from Route 9.

NEW SUBMITTAL
CITIZENS BANK @ THE DUTCHESS MALL - AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

Ms. Montross stated that upon completion of the new building, Citizens Bank will relocate from its existing tenant space in the mall to the new building. Ms. Montross stated this bank is a permitted use in the PSC Zone and stated the access is a two (2) way access that is surrounded by sidewalks.

Ms. Montross stated the required parking is 20 parking spaces and they are proposing 22 parking spaces. Ms. Montross stated there are two (2) lanes around the building one (1) for the ATM and one (1) for the drive-up teller. Ms. Montross stated there is a variety of landscaping throughout the site.

Mr. Weir stated he is the architect working on this project and has met with the Town's consultants. Mr. Weir stated the elevation shown this evening is what is proposed. Mr. Weir stated they looked at buildings within the area so they can be more compatible with what is in the area. Mr. Weir stated they have developed a building they believe will fit in with this area. Mr. Weir stated the materials shown this evening depict what will be used on the exterior of the building. Mr. Weir stated the base will be a cultured stone and the rest an EFIS, the light color and the little darker color will be used. Mr. Weir stated the rest of the building is a store front system with the Citizens Bank logo green, the sign will be Citizens Bank green and the roof color will be weathered wood blend. Mr. Weir stated you will not see any mechanical units on the roof from any side of the building.

It was the consensus of the Board that the design and colors were acceptable. Mr. Morabito stated he is very pleasantly surprised and the building is nice.

Mr. Knips asked how far the existing tree line is on the northeast corner of the mall and does it intrude into this parcel. Ms. Montross stated it does not intrude and the area is actually a grass area now. Mr. Andrews stated this area is all just open grass right now.

Mr. LaColla asked if this is part of the flood plain area. Ms. Montross stated this is not in the flood plain area.

Mrs. Birney asked if Citizens Bank will want a sign on the pylon sign. Mr. Weir stated possibly yes. Mr. Weir stated they will take a look at the current code. Mr. Knips stated that will discuss signage in further detail when we review the project but we are here this evening to accept and refer this application for an amended site development plan.

Mr. Knips asked if a completed application, EAF, application fees and escrow deposit have been received; Ms. Davis stated yes.

Mr. LaColla made a motion that the Board accept the application and refer it to the Town Engineer, Town Municipal Development Director, Town Planning Consultant, Town Deputy Building Inspector, Dutchess County Department of Planning and Development, New York State Department of Transportation and the Rombout Fire District for their review and comments. Seconded by Mr. Callahan. Motion carried.

FINAL

NEW SUBMITTAL
CITIZENS BANK @ THE DUTCHESS MALL - AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Weir asked if the Board was happy with building. Mrs. Birney suggested softening the green a little. Mr. Weir stated they can look into that but they have to use the Citizens Bank green. Mr. LaColla suggested looking at the Hess Station and their rooflines. Ms. Van Tuyl stated they will take a look at the view from Route 9.

Mrs. Birney asked if the door on the west side is a customer door or an emergency door. Ms. VanTuyl stated the door is an emergency door.

Mr. Knips stated as the signage proposal is looked at the applicant needs to keep in mind that there is a new sign law as this may require a master signage plan for the mall itself. Mr. Weir asked if they needed to prepare the master signage plan themselves. Mr. Knips stated Mr. Weir would need to work with the owners to develop the master plan for the entire mall site.

REVIEW
HASBROUCK PLACE - SITE DEVELOPMENT PLAN

Mr. Andrews stated there are comments from Green Plan, Inc. which do not affect the issuance of a preliminary approval by this Board. Mr. Andrews stated there is a resolution item that says the Project Sponsor will respond to the comments from the consultants' memos so the Board is covered in that regard.

Mr. Andrews stated there are some substantial modifications that need to be made in the front of the Resolution.

Mr. Andrews suggested that on page 1 that the third "Whereas" be revised to read as follows: The property for this proposal is located on the west side of U.S. Route 9, and involves 12.8 acres, of which 8.6 acres is in the Town of Fishkill and identified as Tax Map Parcel No. 6156-02-89954 and 3.8 acres in the Town of Wappinger identified as Tax Map Parcel No. 6156-02-692592. The Town of Fishkill portion is in the General Business (GB) Zoning District. The Town of Wappinger portion is in the R-80 Zoning District. No development is proposed on the Town of Wappinger portion of this property.

Mr. Andrews indicated that on page 2 of 6 the third "whereas" be stricken. Mr. Andrews stated the third whereas from the bottom should be moved to a condition.

Mr. Morris of M. A. Day Engineering, the applicant's representative, consented to the revisions made to the resolution of approval.

Mrs. Birney made a motion that the Board adopt the Resolution of Preliminary approval as amended during the course of discussion this evening and that the Chairman sign it when it is ready.

FINAL

REVIEW
PIONEER REALTY HOLDINGS, LLC (A.K.A. RAL PLUMBING SUPPLY, LLC)
AMENDED SPECIAL USE PERMIT AND SITE DEVELOPMENT PLAN

Mr. Gillespie presented building elevations depicting the colors to be utilized on the exterior of the building. Mr. Knips asked if you will see much of the rear of the building on Route 9 from the north. Mr. Gillespie stated he doesn't believe so.

Mr. Andrews stated he doesn't haven't any issue left on this proposal other than the owner's consent note be signed and dated following the date of last revision on the final set of site development plan drawings.

Mr. Andrews stated he would like a new number 3 condition as they did obtain a NYSDEC permit and the permit does include conditions. Mr. Andrews suggested that the new condition number 3 read as follows: The New York Department of Environmental Conservation Wetland Permit included specific conditions. Said conditions are incorporated herein by reference and made conditions of this approval. Compliance is required.

Mr. Gillespie agreed to the modifications made to the Resolution of Approval this evening.

Mrs. Birney made a motion that the Board adopt the Resolution of Approval as amended during the course of discussion this evening and that the Chairman sign it when it is ready. Seconded by Mr. Callahan

REVIEW
TOWN BOARD REFERRAL - CHELSEA WATERFRONT DEVELOPMENT REZONING

Mr. Andrews stated the Chelsea Industrial Park has made an application for Rezoning to the Town Board, from PI to RM-5. Mr. Andrews stated that it is the general consensus of the Town Board that PI no longer fits with these neighboring properties. Mr. Andrews stated the proposal has been modified over time as the NYSDEC has adopted a decision in the matter of the Circle M and has been made a part of their plans. Mr. Andrews stated because of these changes it was his and Mr. Morabito's recommendation to the Town Board that they recirculate for Lead Agency status on the application for Rezoning.

Mr. LaColla made a motion that the Board consent to the Town Board's being lead agency. Seconded by Motion carried.

Mr. LaColla made a motion to close the meeting at 9:30 p.m. Seconded by Mr. Rahemba. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary

Attachments to the original minutes

FINAL